

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY RSA #4 CELLULAR )  
GENERAL PARTNERSHIP FOR ISSUANCE OF A )  
CERTIFICATE OF PUBLIC CONVENIENCE AND ) CASE NO. 92-133  
NECESSITY TO CONSTRUCT A CELL SITE IN )  
RURAL SERVICE AREA #4 (SPENCER) OF THE )  
COMMONWEALTH OF KENTUCKY )

O R D E R

On March 30, 1992, Kentucky RSA #4 Cellular General Partnership ("RSA #4 General Partnership") filed an application seeking a Certificate of Public Convenience and Necessity to build and operate a cellular radio telecommunications system for Rural Service Area No. 4 ("RSA No. 4"). RSA No. 4 includes Anderson, Hardin, Larue, Mercer, Nelson, Spencer and Washington counties. RSA #4 General Partnership has requested authorization to construct a cell site in Marion County. RSA #4 General Partnership was previously granted authority to operate a cellular radio telecommunications system in RSA No. 4 in Case No. 90-308.<sup>1</sup>

The proposed cell site consists of a 320 foot guyed antenna tower to be located on Bell Hollow Road, Lebanon, Kentucky ("the

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<sup>1</sup> Case No. 90-308, Application of Kentucky RSA #4 Cellular General Partnership for Issuance of a Certificate of Public Convenience and Necessity to Provide Domestic Public Cellular Telecommunications Service to the Public in Rural Service Area #4 (Spencer) of the Commonwealth of Kentucky.

Lebanon site"). The coordinates for the Lebanon site are North Latitude 37° 31' 58" by West Longitude 85° 18' 59".

RSA #4 General Partnership has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the Lebanon cell site. Based upon the application, the tower and foundation design appear to meet the criteria of the Building Officials and Code Administrators International, Inc. National Building Code, with reference to earthquakes, winds, and tornadoes.

Pursuant to KRS 100.324(1), the Lebanon cell site's construction is exempt from local zoning ordinances. RSA #4 General Partnership has filed applications with the Federal Communications Commission ("FCC"), the Federal Aviation Administration ("FAA"), and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the Lebanon cell site. RSA #4 General Partnership has received approval from the FAA, while the KAZC and FCC have yet to take action.

RSA #4 General Partnership has filed notices verifying that each property owner and/or resident within 500 feet of the Lebanon cell site has been notified of the pending construction. The notice solicited any comments and informed the property owner and/or resident of their right to intervene. No comments or intervention requests were received.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that RSA #4 General

Partnership should be granted a Certificate of Public Convenience and Necessity to construct and operate the Lebanon cell site in RSA No. 4 under its previously approved tariff.

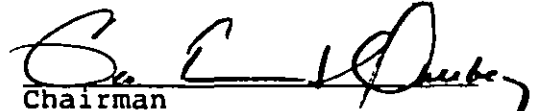
IT IS THEREFORE ORDERED that:

1. Kentucky RSA #4 Cellular General Partnership be and it hereby is granted a Certificate of Public Convenience and Necessity to construct and operate a 320 foot guyed cellular radio telecommunications antenna tower in RSA No. 4 to be located on Bell Hollow Road, Marion County, Lebanon, Kentucky. The coordinates for the Lebanon site are North Latitude 37° 31' 58" by West Longitude 85° 18' 59".

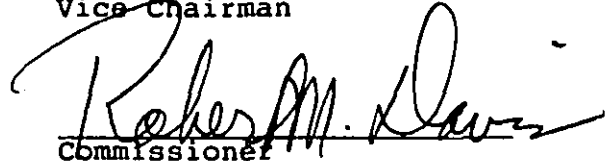
2. Kentucky RSA #4 Cellular General Partnership shall file a copy of the final decision regarding its pending FCC and KAZC applications for this cell site construction, within 10 days of receiving these decisions.

Done at Frankfort, Kentucky, this 22nd day of May, 1992.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director, Acting